

REMARKS

Claims 1 – 4, 8 – 11, 16 – 19, 28, 30, 32 and 33 are pending. Claim 29 was canceled, because its subject matter was incorporated into claim 28. Claims 5 – 7, 12, 13, 20 – 22, 24, 25 and 27 have been withdrawn by the Examiner. Claim 31 is being treated as withdrawn until further notice from the Examiner. Applicants have filed an Information Disclosure Statement with this Response, in accordance with their duty of disclosure.

Applicants acknowledge the Examiner's brief explanation of why the Election of Species Requirement is being maintained. Applicants continue to disagree with the indication that more than one species exists. A petition to that effect was previously submitted to the U.S. Patent Office.

I. Claims 1 – 4, 16 – 19 , 28 -30, 32 and 33 are novel and Non-obvious over AAPA (FIG. 4)(hereinafter referred to as Prior Art Clip)

The pending claims are novel over the Prior Art Clip for at least two reasons. Figure 4 of the application illustrates a Prior Art Clip that causes damage to the stack that is inserted therein. The damage results from the application of a force by the Prior Art Clip to the *central area* of the stack. Independent claims 1, 16, and 28 recite “An apparatus for clamping together in a stack at least one tray... the apparatus comprising ... at least two pressure members”. The pressure members apply force “on a portion of the *perimeter* of the stack”. Unlike in the Prior Art Clip where pressure is applied to a central area of a tray, the current invention applies a force to the perimeter of a tray.

The Prior Art Clip also fails to teach or suggest “a slit between the base and a side of a pressure member” as recited in claims 1 and 16. It would not have been obvious to incorporate such a slit in the Prior Art Clip, as that would entail further process steps. Accordingly, Claims 1, 16, and 28, as well as their respective dependent claims are novel and non-obvious over the Prior Art Clip. The Examiner is therefore requested to withdraw the §102 (b) rejection of claims 1 – 4, 16 – 19 , 28 -30, 32 and 33.

II. Claims 1 – 4, 16 – 19 , 28 -30, 32 and 33 are novel and Non-obvious over Cave

Claims 1 – 4, 16 – 19, 28 -30, 32 and 33 stand rejected under 35 USC §102(b) over Cave. Claim 29 has been cancelled and will not be discussed from henceforth. This rejection is traversed for the reasons set forth below.

Cave is directed to an automobile log for holding papers as shown in Fig. 1, and is closed at its bottom end (14) (column 2). There are numerous differences between Cave and the invention recited in Claims 1 – 4, 16 – 19, 28, 30, 32 and 33. First, Cave fails to anticipate Claim 1 because Cave lacks “a first opening opposite a second opening, each opening allowing for the insertion and removal of the stack”. Second, Cave also fails to teach or suggest “a slit between the base and a side of the pressure member” as recited in claims 1 and 16. Third, Cave’s pressure members apply pressure to the contents of Cave’s automobile log in a downward direction relative to base, unlike in Applicants’ invention. In particular, claims 16 and 28 recite that the pressure members apply “a force in an upward direction relative to the base”. Consequently, Claims 1, 16 and 28, as well as their dependent claims are not anticipated or rendered obvious by Cave. Therefore, the Examiner is requested to withdraw the 35 USC §102 (b) rejection of Claims 1 – 4, 16 – 19, 28, 30, 32 over Cave.

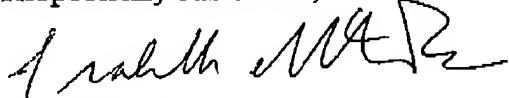
III. Claims 8 -11 are Non-obvious under 35 USC 103(a) over AAPA
(hereinafter Prior Art Clip) or Cave

Claims 8 – 11 stand rejected under 35 USC 103(a) over Prior Art Clip or Cave. This rejection is traversed. Nothing in the Prior Art Clip or Cave teaches or suggests the invention of Claim 1 as discussed above. Therefore, Claims 8 -11 which all depend on Claim 1 are non-obvious for at least the same reasons as claim 1.

IV. Conclusion

The Prior Art Clip and Cave fail to separately teach or suggest the claimed invention. Prior Art Clip does not disclose or render obvious the application of a force to the perimeter of a stack inserted therein. Both Cave and the Prior Art Clip omit several design features that are set forth in the claims. Consequently, all of the pending claims are in condition for allowance.

Respectfully submitted,



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